

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 23991 of 2006

Dated 18th November, 2006

Between

V.Harihara Rao

.....Petitioner

and

The Chairman cum President Officer,
Industrial Tribunal cum Labour court, Anantapur, and anr.

...Respondents

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HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 23991 OF 2006

ORDER:

This Writ Petition has been filed questioning the order dated 01-05-2006 passed in I.A.No. 105 of 2006 in M.P.No. 9 of 2006 by the Industrial Tribunal-cum-Labour Court, Anantapur.

The petitioner herein was the applicant in M.P.No. 9 of 2006, which was filed under Section 33(C)(2) of the Industrial Disputes Act, 1947, claiming an amount of Rs.81,771/- representing arrears of salary for the period from 13-06-2001 to 30-06-2002. The said petition was allowed *ex parte*, by awarding the said amount with interest at 9% per annum. It is stated that the total amount as ordered by the Tribunal

below was already paid, but however, the interest was not paid. As such, the petitioner/applicant filed EP claiming interest awarded by the Tribunal below.

In the above said MP, the second respondent-management of Chittoor Cooperative Sugar Factory Limited has filed I.A.No. 105 of 2006 under Section 11(3)(d) of the Industrial Disputes Act, 1947 to set aside the *ex parte* order. By the impugned order, the said IA was allowed.

In this Writ Petition, it is submitted by the learned Counsel appearing for the petitioner that there was no reason at all to set aside the *ex parte* order passed by the Tribunal below in M.P.No. 9 of 2006 at this stage.

It is to be seen, in the affidavit filed in support of the said IA, it is stated that due to demise of earlier Managing Director, there was in-charge managing directors for a long time. It is further stated that even the advocate, who was representing the management before the Tribunal died due to cardiac problem. In view of the reasons stated in the affidavit, the Tribunal below exercised its discretion and allowed the said application. Further, it is to be noted that while allowing the said IA, the main petition was also posted for enquiry, as much as the management already filed counter affidavit in the main petition. In view of the reasons stated by the management in its affidavit, the Tribunal below rightly exercised discretion vested in it while setting aside the *ex parte* order. I do not find any valid ground, which warrants interference in this petition filed under Article 226 of the Constitution of India.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED:18-11-2006
Msnr